

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LIBERTY LIFE ASSURANCE COMPANY  
OF BOSTON,

Plaintiff,

vs.

FIVE POINTS BANK, et al.,

Defendants.

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8:04CV276

ORDER AND  
NOTICE OF HEARING

Richard E. Gee has filed a "WITHDRAWAL OF COUNSEL" (#49), which the court construes to be a motion for leave to withdraw pursuant to NEGenR 1.3(f). Because substitute counsel has not entered an appearance, the matter will be set for hearing. Trudi R. Henke, will be required to personally attend this hearing.

**IT IS ORDERED:**

1. The motion to withdraw (#49) is set for evidentiary hearing on **Thursday, July 28, 2005 at 3:00 p.m.** in Courtroom 6, Roman L. Hruska U.S. Courthouse, 111 S. 18th Plaza, Omaha, Nebraska.

2. Richard E. Gee and Trudi R. Henke are required to personally attend the hearing.

3. Moving counsel shall serve copies of the "WITHDRAWAL OF COUNSEL" and this Order and Notice of Hearing on Trudi R. Henke at her last known address **by certified mail, return receipt requested.**

4. Moving counsel shall timely file a certificate of service showing compliance with paragraph 3, above, and listing the names and addresses of the persons to whom notice was sent.

5. The parties are advised that the evidentiary hearing will not be necessary and will be cancelled if (a) the motion is withdrawn, or (b) plaintiff retains substitute counsel and substitute counsel enters a written appearance by **1:00 p.m. on Wednesday, July 27, 2005.** The written appearance must be timely filed with the Clerk of the Court. Communication by facsimile or telephone will not satisfy the requirement of a written appearance.

**DATED June 27, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**